

Remarks

In response to the non-final office action mailed May 24, 2004, the Applicant respectfully request reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below.

Claims 1-20 are pending, including the amended by this paper to claim 19, no other claims have been added, amended, or cancelled. Claim 19 has been amended to state "anti" instead of "ant."

The Examiner has set for the following rejections in the office action: (1) the drawings are objected to for including two references numerals 38 to designate two different items; (2) claim 19 is objected to for reciting "ant" instead of "anti;" (3) claims 1-3 and 6-9 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S.P.N. 5,873,273 to Vick (hereinafter the Vick patent); (4) claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being obvious over the Vick patent in view of Official Notice; (5) claims 10-12 and 15-20 are rejected under 35 U.S.C. §103(a) as being obvious over U.S.P.N. 5,845,433 to Walsh (hereinafter the Walsh patent) in view of the Vick patent; and (6) claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being obvious over the Walsh and Vick patents in view of Official Notice.

Objection to Drawings and Claim

The Applicant respectfully submits that the objects to the drawings and claim 19 are overcome by the amendments submitted above to Figure 1 and claim 19.

Rejection of claims 1-3 and 6-9 Under 35 U.S.C. §102(b)

The Applicants respectfully submit that the rejections to claims 1-3 and 6-9 under 35 U.S.C. §102(b) as being anticipated by the Vick patent are obviated by the

amendments to claim 1. Claim 1 has been amended to particularly point out and distinctly claim that the anti-prying device comprises a member that includes a base portion and an elongated rod. The rod extends lengthwise away from the base portion in only a perpendicular direction and it is permanently secured to the base portion in a fixed position such that the rod is fixed lengthwise in an upward position to prevent the prying element from being inserted between the rod and the surface.

The Vick patent fails to teach each element recited in amended claim 1. The rod of the Vick patent extends lengthwise in a horizontal direction from a base so that it can be used to prevent a door from being opened. The rod of the Vick patent is not permanently affixed to the base as it must be removed so that the door can be opened. A prying element can be inserted between the rod of the Vick patent and the surface. Consequently, the Vick patent fails to teach each element of independent claim 1. Therefore, independent claim 1, and dependent claims 2, 3, and 6-9, which depend therefrom and include all the limitations thereof, are patentable over the Vick patent.

Rejection of claims 4 and 5
Under 35 U.S.C. §103(a)

The Applicants respectfully submit that claims 4 and 5, which depend from patentable independent claim 1, and include all the limitations thereof, are patent at least for the same reasons that claim 1 is patentable.

Rejection of claims 10-12 and 15-20
Under 35 U.S.C. §103(a)

The Applicants respectfully submit that the Examiner has improperly rejected claims 10-12 and 15-20 under 35 U.S.C. §103(a) as being obvious over the Walsh and Vick patents.

With respect to independent claim 10, the Walsh and Vick patents fail to disclose a member positioned between a door hinge of a safe and a surface to which the safe is secured that limits wedging and working of a prying element between the door hinge and the surface to prevent uprooting of the safe from the surface.

The Vick patent discloses a device that extends horizontally along a door to prevent the door from being open. The Walsh patent discloses a bar that is positioned within an inner cavity of a safe to prevent a door of the safe from being prior backwardly into the safe. The bar of the Walsh patent does not extend lengthwise in an upward direction. Neither patent discloses a device that prevents a prying element from being inserted between a door hinge of a safe and a surface to which the safe is secured. Moreover, neither reference recognizes the problem of uprooting the safe by positioning a prying element between the door hinge of the safe and the surface to which the safe is secured. Consequently, neither reference provides any teaching to disclosing a device to prevent such uprooting of the safe.

With respect to independent claim 18, the Walsh and Vick patents fail to disclose an anti-prying device having a base and a rod extending from the base and aligning the anti-prying device such that the rod extends between the door hinge and the surface to restrict insertion of the prying element therebetween. As described above, the Walsh and Vick patents only relate to devices that prevent a door from being opened. Neither patent discloses a device that prevents a prying element from being inserted between a door hinge of a safe and a surface to which the safe is secured. Moreover, neither reference recognizes the problem of aligning a device under the door hinge of a safe to prevent uprooting of the safe by positioning a prying element between the door hinge of the safe and the surface to which the safe is secured.

For the foregoing reasons, the Applicants respectfully submit that independent claims 10 and 18, and dependent claims 11, 12, 15-17, 19, and 20, which dependent therefrom and include all the limitations thereof, are patentable and nonobvious over the Walsh and Vick patents.

Rejection of claims 13 and 14
Under 35 U.S.C. §103(a)

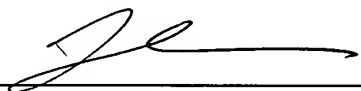
The Applicants respectfully submit that claims 13 and 14, which depend from patentable independent claim 10, and include all the limitations thereof, are patentable at least for the same reasons that claim 10 is patentable.

Conclusion

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass this case to issue. The Examiner is invited to call the undersigned if it would further prosecution of this case to issue.

Respectfully submitted,

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